MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am really thankful to the President for the patience with which he is waiting to understand the objection. This is my objection. There are clerks getting Rs. 25 and Rs. 20 and the clerks getting Rs. 25 may be utilised for this purpose. Then there would be a vacancy in the Rs. 25 grade and the juniormost clerk may be promoted to that grade and put in charge of that work, and finally a new clerk may be employed, say on Rs. 15. Instead of getting two new clerks on Rs. 25 temporarily at the intermediate stage of establishment, two clerks may be put at the bottom and promotion may be given to the clerks at the bottom. Then the additional cost will be only Rs. 15 and not Rs. 25. It is therefore that I ask Mr. Robinson whether it is not possible to utilise the clerks employed in the department at present for the special work and fill up the vacancy of Rs. 15 clerks.

PRESIDENT: Am I to understand that the Member proposes to ask the Rs. 15. clerks to do this work, which should be done by Rs. 25 clerks?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No, not that. Such of the clerks as are already getting Rs. 25 may be utilised for this work and the clerks on Rs. 15 may do the work those clerks are now doing. That is the procedure usually followed in all offices.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, may I correct a misapprehension? I see from the *Civil List* here that the lowest pay in the Survey Department is Rs. 25.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then I admit that my objection has no force. (*Laughter.*) Then I cannot economise. (*Laughter.*) This information, if supplied earlier, would have given no room for this discussion.

The demand was put and carried.

DEMAND X—CENTRAL PRISON.

MR. K. GEORGE (*Ag. Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 300 under demand X—Central Prison. This amount is required for the payment of honorarium to the Moral Instructor in the Central Prison. This House will, no doubt, remember that a provision for this amount was made under 'Central Prison' in the Preliminary Budget for the current year; but it was omitted as a result of the discussion of this House. Government, however, feel that the omission was due to a misapprehension on the part of the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Beg your pardon?

MR. K. GEORGE (*Ag. Chief Secretary to Government*): Government feel that the omission was due to a misapprehension on the part of the Members that this allowance is in the nature of a sinecure and Government feel that the will reconsider its decision when certain new facts are placed before House. No doubt, when the honorarium was disallowed by this House it was a matter of discouragement to the Moral Instructor. But I am sure it would please the House to hear that this gentleman, even after the disallowance of the honorarium, has been continuing to give

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[Mr. K. George.]

instruction as usual on all the Sundays thereafter—not on all the Sundays, but for the major part of the period. I find that out of the 39 Sundays which have elapsed since the House vetoed the grant, the Moral Instructor has been going to the Central Prison to impart moral instruction on 27 Sundays.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did he demand any remuneration?

MR. K. GEORGE (*Ag. Chief Secretary to Government*): No, he did not. But Government feel that it is necessary for him for meeting the conveyance charges and other sundry expenses which he would be put to. Government also recognise that in this matter the Moral Instructor is doing a good social work and that he deserves some recognition for the good work that he is doing, seeing that notwithstanding the natural discouragement which he might have had, he has been, of his own accord, going to the Central Prison and continuing to impart instruction. Now, here is a case of unselfish social work and I think it would be a graceful expression on the part of the House if it will recognise the good work. In these circumstances, I am sure the House will be pleased to reconsider its decision. Much remains to be done on behalf of criminals in the State by agencies like prisoners-aid, etc; and when a man comes forward and in a selfless spirit undertakes to do such work, I think it is only right on our part to recognise that. Speaking of the present Moral Instructor, I may also state that he is on the forefront of social service. He took a prominent part in putting down animal sacrifice in the State. I think such a man should be given sufficient encouragement.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it upon the application of the person that the present demand is put forward?

PRESIDENT: The present demand emanated from me, from nobody else, but from me. I thought it might be brought forward so that we may undo what we did last time to this philanthropic gentleman.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I ask whether a demand can be brought forward under Rule 53 when once it has been rejected?

PRESIDENT: It has been previously ruled that a demand can be brought forward even after it is rejected by the House. There is a definite ruling on the point.

MR. A. K. PILLAI (*Karunagapalli*): It is with very great reluctance and a peculiar sense of pain that I rise to oppose the motion, which the President assures has emanated from him. If I consult my own persuasion on this matter, I shall be very happy to see that the House grants this demand. There is nothing like giving moral instruction to the unfortunate people in the jail. I need hardly say that this issue was raised in this House not many months ago; this House considered it, and rejected it. I was patiently listening to the arguments of Mr. George to see on what grounds this demand was brought forward again. But I fail to understand how the Government could think that the

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members of this House had any misapprehension about a particular thing. That is a very dangerous presumption to be allowed to pass without refutation. The members are acting under a misapprehension —that is placing the cart before the horse. The attitude of the Government is that, and that is an eternal one—that the Council has grown saner, that the members might have grown wiser and sadder at their past action and that they would allow this grant now. I oppose this attitude. Secondly, this is connected with a great cause. I most uncompromisingly oppose it. In the growth of any institution, precedents matter very much and especially so during the initial stage of any institution. Here is a Council which is in the very initial stage. It has very carefully to nurse precedents and practices. There was a motion with regard to this not many months ago. It was considered by this House, and, after a very careful discussion and deliberation, rejected by a majority of votes. Many months have not passed and Government comes forward with a new demand. In the meanwhile, no new situation has arisen, no new emergency has cropped up. But there is a lurking fear in the minds of the Government that the Members might have gone wrong, might have had a misapprehension. This is a wrong fear. Here is the rule of the Council. I am referring to Rule 35 (*d*) of the Legislative Council Rules.

"It shall not raise a question substantially identical with one on which the Council has given a decision within the space of one year previous."

So the Government recognised that it would be wise indeed if the House as a whole could be growing so rapidly wise. So there is a safety-valve in this part of the Legislative Council Rules—Rule 35, (*d*). I say not one year has elapsed.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): That rule relates to resolutions.

MR. A. K. PILLAI (*Karunagapalli*): I quite recognise that. But the spirit is there. The Government which is responsible for the rules have recognised that one year should elapse. It is quite inconsistent with the sentiment underlying this demand. So I oppose this on these grounds, though my own personal feelings are in favour of this demand.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I also beg to oppose this demand for grant on almost identical grounds. Sir, the admissibility of the demand is open to serious question. It is in accordance with the analogy of another ruling, that is, with reference to the Assistant Superintendents of Police, that this grant is brought forward. It is brought forward under Rule 53 of the Legislative Council Rules which runs as follows :—

(1) An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget for a grant for which the vote of the Council is necessary, is found to be insufficient for the purpose of the current year, or

(ii) a need arises during the current year for the expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that

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MR. K. GEORGE (*Ag. Chief Secretary to Government*): Sir, I rise to a point of order. I want to know whether it is open to the Member to raise a discussion on a point of order already decided by the President.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): This point of order was never decided in this Council.

PRESIDENT: I have just decided that it is admissible.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am bowing to that ruling. But I am at liberty to give my reasons.

PRESIDENT: But you cannot raise a discussion upon a ruling.

MR. P. K. NARAYANA PILLAI (*Amblapuzha*): I agree that the motion was in order. Neither am I going to raise a point of order already decided, over again. *Prima facie* it is a ruling from the chair and all the Members are bound to obey that and I am obeying it. Similarly I am submitting that there was a vote upon this question during the last discussion on the Budget and that is a clear decision of this House to the effect that this is not a permissible thing. If the President's ruling upon this subject is a thing to be obeyed, the non-officials might also say that their opinion expressed after a pointed discussion should equally be adhered to upon an identical question.

Further, I am submitting that neither the Superintendent nor the Committee of Visitors seem to have expressed an opinion upon the nature of the moral instruction given in the jail. Government somehow or other feel satisfied as to the need for giving some remuneration to the Moral Instructor. The sort of moral instruction that is given is not before the House now, and so I am not going to say anything with reference to the merits of the instruction. I say for the time being that if the rulings of the President have to be respected, the vote of the Members of the House has also to be respected. Here is a decision of the House come to definitely during the budget discussion. One year has not elapsed since then. Meanwhile, the matter is brought up again and this side of the House is asked to ignore its decision given on a previous occasion, while the ruling of the President upon the subject is said to be immutable and has therefore necessarily to be obeyed. Such being the case, I find absolutely no reason why this House should be invited to reconsider the question now. Therefore, I am perfectly at one with Mr. A. K. Pillai in opposing the motion.

MR. M. SIVATANU PILLAI (*Tovala*): In opposing the motion, I wish to say at the very outset that I am at one with the Chief Secretary in conceding this demand; for, when the question is considered on the merits, there is no other go for the members on this side of the House than to accede to the demand that has been made. But as has been pointed out by my previous speakers Mr. A. K. Pillai and Mr. P. K. Narayana Pillai, I have got only to remind the House of an identical instance which arose in one of the Indian Provincial Legislatures. I wish the Members on this side of the House to take this opportunity to

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jealously safeguard the dignity and status of the House and to help the growth of conventions which are only the development of the provisions made for the conduct of the proceedings of this Council. I refer to the Bengal Provincial Legislature where, in 1923, the Ministers' salary was rejected by the vote of the Council. In a subsequent session, the agenda contained a demand for the Ministers' salary. Then the non-official members.

PRESIDENT: Will the Membr please confine himself to the subject of the discussion and not go into points of order on which the President has ruled?

MR. M. SIVATANU PILLAI (*Tovala*): In order to safeguard the interests and dignity of the House, the Members of the Bengal Legislature even went to the extent of calling in question the propriety of including in the agenda of a subsequent session a subject which has once been rejected, and obtained an injunction from a Court of Law. The Members, there, were so very jealous of the dignity of the House, particularly on a matter on which they had given their decision once. I just want to remind the House that to facilitate the healthy and gradual development of conventions, the Members on this side of the House have to stick to their own previous decisions and therefore will not be justified in going behind their own proper decisions.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I also oppose the motion; but I do so on the merits and not on any formal points. The mover of the demand wanted us to reconsider the decision on the ground that the members were, on a former occasion, under a misapprehension. I assure him that so far as most of us are concerned, we were not at all under any misapprehension. For my part, I opposed the motion on that occasion and I oppose it now also on the following grounds:—

In the first place, the whole of the prison organisation should be a kind of moral instruction to the prisoners, and the head of the Prison should be able, in practice and in theory, to give the necessary moral instruction to the inmates of the prison. If, for some reason, the head of the Prison does not find time for this work, he must make proper arrangements for it and ask the Government for money for the necessary expenditure. Now, it is found that the question has not been considered from that point of view. As a matter of fact some gentleman has been, it seems, giving moral instruction to the convicts and an honorarium for him is being asked for now. But, in the light of the decision of the Council in the Budget Session, this gentleman ought not to have been allowed to go on with the moral instruction. That has not been done. Now, we are asked to sanction an amount as if nothing had taken place. But meanwhile the old arrangement has been going on. We thought that the old arrangement had ceased to exist ever since the House expressed its opinion against it. So what I should suggest is that, if moral instruction on a non-sectarian basis is necessary, some jailor who has got the necessary educational qualification or the Jail Superintendent himself, ought to give moral instruction on a non-sectarian basis.

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[Mr. G. Raman Menon.]

If any religious instruction is wanted—probably religious instruction is also included under moral instruction—even for that, there are various religious establishments the members of which would be glad to give such moral instruction free. There are Christian establishments for giving instruction to Christians and for Hindus there are institutions like the Ramakrishna Mission from which any Sanyasi or Brahmachari may be requested to give religious instruction to Hindus. So, on all these grounds, I say that we were not at all under any misapprehension as to the necessity for this grant. I think that, under these circumstances, this expenditure is not necessary. So I oppose the motion.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, on a former occasion when this question came up for the consideration of this House, I did not speak because I thought it was a very simple matter and would not meet with opposition. Even now I do not think that there were very many speakers who opposed this grant. Now the Chief Secretary has put forward this motion for reconsideration by this House. Objections have been taken by four of my friends; and I am sure, on an analysis of their objections it will be conceded that all of them support Mr. George and do not oppose him. What was stated by way of objection was that on technical grounds they were not prepared to grant this demand. Mr. A. K. Pillai said that as regards moral instruction it has got his perfect sympathy and that personally he would grant it. Mr. P. K. Narayana Pillai said that he had nothing to say against the merits.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is not correct. I said "I would have much to say on the merits, but for the time being I do not say anything."

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Anyhow, he did not say anything against the merits. That is a fact. Mr. Sivatanu Pillai said that he was in entire sympathy so far as the purpose for which the grant was intended was concerned. Mr. G. Raman Menon also is for moral instruction; but, according to him, the person should be the Jail Superintendent himself. So, all the four persons who opposed the demand agreed that moral instruction was necessary and that it should be imparted by somebody or other. In fact, if that be the case, we have only to dispose of the technical objections that have been raised.

Much has been said about the development of precedents and conventions. I do not think I need detain the House very long about that. The established precedent, so far as this house is concerned, is that, if a particular item in the budget has been deleted by the vote of this House, it can be reconsidered by this House when a motion is brought forward before the House by the Member in charge of that particular demand, and the House may reconsider it. I need only instance the case of the Income Tax Inspectors for whom a demand was made by Mr. K. Anantanarayana Aiyar when he was Land Revenue and Income Tax Commissioner, and that of Mr. Pitt, the Commissioner of Police, who made a demand for a supplementary grant for restoring the Assistant Superintendents of Police. These are cases in which the House

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vetoed the allotments in the budget and then granted them on reconsideration. I find from the reports of the proceedings that on both these occasions Mr. P. K. Narayana Pillai stood up and opposed the supplementary grants on the ground that the demands were in defiance of Rule 53 and therefore not in order; and on both these occasions the President had ruled that they were perfectly in order. In the face of these rulings, I do not know why we should travel far away to Calcutta and other places and not respect our own precedents. Moreover, if you go elsewhere, precedents are not the same. I know, as a matter of fact, in Madras and also in some other provinces, grants which have been disallowed once have been restored subsequently. Therefore there is absolutely no need to go outside for precedents. So far as we are concerned, we need be guided, only by our own rulings. My friend Mr. P. K. Narayana Pillai knows as a lawyer that our Courts, our Judiciary, do follow their own rulings and go in for precedents elsewhere only in regard to questions about which we have no precedents of our own.

Now, once this question of precedents is set at rest, I do not see any opposition on the merits of the question. And if there is no opposition, the only alternative is to admit Mr. George's demand; because we admit, by showing that we have nothing to say against the merits, that there is ground for review. We all know that, in a Court of Law, once it is found that there is some ground for review, review is admitted. Therefore, if my friends who oppose this motion are all agreed that on the merits of the claim there is a good case, then we *must* admit it, and there is nothing in the rule preventing us from doing so. The rule that Mr. A. K. Pillai cited, *viz.*, that one year should have elapsed for a substantially identical motion being brought forward in this House for reconsideration relates to resolutions and not to such demands for grants. I may also draw the attention of the House to Standing Order No. 22 which says:

"A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session."

I do not think we are now in Budget Session, and I believe Mr. George is perfectly in order in having brought this motion before the House in this Session which is altogether a different one from the Budget Session. The rule only says that the same motion should not be brought a second time in the same session. That only shows that it could be brought in another session; and, as I said, we are now in another session.

That being the case, on the technical objection there are no grounds to sustain it; and, on the merits, there is no opposition. So I do not think there is any ground for opposing the demand of Mr. George.

MR. M. N. PILLAI (*Trivandrum*): Sir, it was I who moved for the deletion of this amount during the last Budget Session. I did not do it because I was against the imparting of moral instruction to prisoners. But I thought that the gentleman, Mr. K. S. Narayana Aiyar, the moral

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[Mr. M. N. Pillai.]

instructor, being a leading Vakil of the District Court and the President of the Village Panchayat Court, will not have sufficient time to cope with the work of imparting moral instruction also along with the taxing duties of both the offices. Now, I understand from the Chief Secretary that, even though this amount has been withheld, he has been regularly attending the Jail to impart moral instruction to the convicts. So, I think that we will be justified in allowing him some amount at least for carriage hire. It is admitted by all the Members here that moral instruction to prisoners is very essential, and that they do not oppose the demand on that ground.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I ask Mr. M. N Pillai whether his objection was based mainly upon the man who imparted moral instruction?

MR. M. N. PILLAI (*Trivandrum*): My fear was that being a man of various activities, he would not be able to cope with the work of the Moral Instructor also.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know from Mr. M. N. Pillai whether he is now convinced that the gentleman concerned will be able to cope with this work also?

MR. M. N. PILLAI (*Trivandrum*): From the assurance given by the Chief Secretary that, even though the amount was withheld, he has been regularly doing the work to the entire satisfaction of all the authorities, I am now convinced that he will be able to cope with this work also. So, I gladly support the motion. Moreover, the moral instruction imparted by him is on a purely non-sectarian basis and consists of the tenets of all religions.

MR. A. K. PILLAI (*Karunagapalli*): May I ask Mr. M. N. Pillai whether, during the discussion in the Budget Session, there was any mention about the person who was in charge of this work?

MR. M. N. PILLAI (*Trivandrum*): Yes, there was. I mentioned the name of the gentleman, Mr. K. S. Narayana Aiyar. My chief objection was that, since he was a leading Vakil and the President of the Village Panchayat Court, he could not cope with this work also.

For all these reasons, I support the motion.

PRESIDENT: I do not propose to call upon any other Government Member to speak in support of this demand advanced by the Chief Secretary. I shall briefly sum up the debate which has taken place and which I consider sufficiently representative of the views of the House as to justify me in closing the debate.

In the first place, Mr. A. K. Pillai objected to it with very great pain and sorrow from an elevated sense of duty to the constitution of this House. He takes his stand on the fact that, in effect, what the House once decides is decided after a consideration of every possible view of the case that can come up. His attitude assumes that this House never feels temper, never feels passion, never is swayed by anything but the loftiest and the purest of motives. I put it to all practical men to consider whether a body of fifty human beings could ever work and feel and think without being at times carried away by impulse or

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swayed by motives which do not always influence them when they sit at their desk and calmly and deliberately decide things without passion or feeling.

Then again, Mr. A. K. Pillai is mortally afraid of precedents being changed ; and, once a precedent is established, he would like to see it cast in iron and set up for ever like that iron pillar of Delhi which has stood the climate for a thousand years. I too would like to see that the right kind of precedents set up by this House are adhered to. I would like this House to model itself on examples, on good examples and good precedents and on everything that is best for this House. First and foremost, I should like this House to recognise the precedent that a *good* man doing *good* work finds favour in this House. That is the precedent that I should expect this House to adopt. I would ask Mr. A. K. Pillai to help me in establishing for this House precedents that may broaden down and not narrow up ; that the actions of this House may be broad—based upon what is best and noblest and not on what is narrow, technical or party.

Mr. Sivatanu Pillai has swallowed a Minister's salary in Bengal. It has choked him and consequently he is unable to allow this little demand to pass.

Mr. P. K. Narayana Pillai objects on the merits of the case, not because *he said* anything against the case, but because of something *he did not* say against it.

Lastly, I turn to the Deputy President who has gone to, what I consider, the bedrock of the feeling of this House on the matter. Everybody appreciates the good work that is done by a man for the suffering and incarcerated men who are locked up for the good of humanity, for the men who have to suffer for some remote cause which has made criminals of them. Mr. Subba Aiyar has analysed the speeches, and like him, I am sure, every one here approves of it in principle. The main objection seems to be that there is a shadow of some remote danger of some precedent being affected and of the vanity of the House—simply because the wishes of the Members on small questions once expressed are not respected for all time and eternity—being wounded. I say, we are all capable of changing our minds and it requires courage (such as, I hope, this House will never fail to display) to change our minds when an occasion arises for a change. Therefore, I ask this House, in recognition of that feeling which I am sure permeates us all, to see that something is done for a *good* man who is doing a *good* work. All that you are asked to do is to reimburse his carriage hire and that is not much. One of the Members suggested that the Superintendent of the Jail had not recommended it. I may add that no deputation of Jailors and Warders has waited upon the Dewan praying for this small sum of Rs. 300 for the social worker in the prison. I say that the recognition of this sort of good work does not come up by recommendation from below, but drops gently as a recognition from above, and this House, in its lofty position will, I hope, drop this timely assistance on this man as a recognition from above.

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[President.]

Now, I wish to remove a slight misapprehension likely to arise from certain remarks that Mr. A. K. Pillai let drop. I infer—it may be that that inference is not correct—that the consideration of the merits of the question might have, in a way, been affected by my statement that the proposal emanated from me. The fact that this proposal emanated from me had nothing to do with the question at all. I stated that the idea emanated from me, for one reason only, *viz.*, to remove any possible doubt or feeling that it emanated from Mr. K. S. Narayana Aiyar, the philanthropist I am referring to. No such request emanated from him. His only request to me, so far as I am aware, was to help him in carrying out his humanitarian work, more particularly in respect of the cessation of the sacrifice of animal life in the country. I trust I have removed any suspicion that may otherwise be felt about Mr. Narayana Aiyar. Whether this House sanctions this grant or not that is a matter wholly left in your hands. It is a matter for the conscience of the House. With these observations, I close the speech and put the motion to the vote.

The motion was put to the vote and carried by a large majority. The grant was made.

MR. A. K. PILLAI (*Karunagapalli*) : May I point out to you, Sir, the difficulty in which we are placed? Individual Members about whom remarks are made by the President in his speech are not in a position to reply.

PRESIDENT : I hope I did not make any remark that was offensive to any body.

MR. A. K. PILLAI (*Karunagapalli*) : I did not say that there is any thing offensive in the President's remarks. I only wanted to point out the confusion in the minds of individual Members caused by the fact that we could not possibly reply to the remarks of the President about us.

PRESIDENT : Is that not an inevitable result of the summing up of the debate, Mr. A. K. Pillai?

MR. A. K. PILLAI (*Karunagapalli*) : It is not exactly summing up, Sir.

PRESIDENT : It is summing up *plus* advocacy, sometimes inevitable on account of the dual roll of Dewan-President.

DEMAND XI—POLICE.

MR. W. H. PITT (*Commissioner of Police*) : Sir, I move for a grant not exceeding Rs. 125 under Demand XI—Police, to meet the expenditure in connection with the continued employment of a temporary additional clerk in the Motor Section of the Office of the Commissioner of Police till the end of the current year. As the Council is probably aware there was a motor boom in 1100 when 201 new vehicles had to be registered as against 88 in 1099; that is to say the new registrations were two and a half times those of the previous year. Since my

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